UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/493,517	01/28/2000	Matthew Fuchs	16603-708	2359

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EXAMINER
NGUYEN, MAIKHANH

ART UNIT	PAPER NUMBER
2176	

DATE MAILED: 05/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/493,517	FUCHS ET AL.
	Examiner	Art Unit	
	Maikhanh Nguyen	2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>13 January 2006</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>14-29</u> is/are pending in the application.

    4a) Of the above claim(s) <u>1-13</u> is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>14-29</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   This action is responsive to communications: Appeal Brief filed 11/04/2005 to the

original application filed 01/28/2000.

2.   Claims 14-35 are currently pending in this application. Claims 1-13 are withdrawn

from consideration. Claims 14, 25 and 31 are independent claims.

3.   Applicant is required to cancel non-elected claims 1-13 in the next response to this

office action.

4.   In view of the Appeal Brief filed on 11/04/2005, PROSECUTION IS HEREBY

REOPENED. A new ground of rejection s set forth below.

To avoid abandonment of the application, appellant must exercise one of the following

two options:

(a)   file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply

under 37 CFR 1.113 (if this Office action is final); or,

(b)   request reinstatement of the appeal.

5.   If reinstatement of the appeal is requested, such request must be accompanied by a

supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or

1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

Claim Rejections - 35 USC § 112

6.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7.   Claims 31-35 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The limitation *"the document instant"* (claim 31, line 5) lacks antecedent basis. Claim 31 has no *"a document instant"* term that defines or supports the given reference.

Dependent claims 32-35 are rejected for fully incorporating the deficiencies of their base claim.

Claim Rejections - 35 USC § 102

8.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

9.   Claims 14-30 are rejected under 35 U.S.C. 102(e) as being anticipating by **Call** (US 6,418,441 – filed 07/2000, which is division of application No. 09/316,597, filed on May 21, 1999).

As to claim 25:

Call teaches a computer network system for processing a document instance of a markup language *(e.g., the metadata capabilities of XML can be used to advantage to provide an extensible system for dividing product and company information into a hierarchy of nested named elements which can be selectively accessed. Using the Document Type Descriptor (DTD) component of XML, the makeup of the required and optional components of such information can be defined in a standard way, facilitating the definition and validation of data structures to be used on various classes of products...allowing more elaborate schemas to evolve; col.25, lines 10-60)*, the computer system comprising:

(i)   means for defining *(e.g., defining)* a first schema *(e.g., a base "product" schema)* in the computer network system *[see col.25, lines 37- 60]*;

(ii)   means for extending *(e.g., extending)* a definition *(e.g., offers extensibility through subclass definition)* the first schema by use of a second schema *(e.g., descendant schema)* residing on the computer network system *[see col.25, lines 37- 60];* and

(iii)   means for importing the second schema into the document instance *(e.g., The shareability and extensibility of RDF also allows metadata authors to use multiple inheritance to mix definitions, providing multiple views of their data, and leveraging the work done by others. From a practical standpoint, the creation of a simple and generic product and company description base schemas which can thereafter be extending using RDF allows basic information about products and companies to be made available early, allowing more elaborate schemas to evolve as experience with the simpler system suggests their utility) [see col.25, lines 51- 60].*

As to claim 26:

Call teaches the markup language is XML *(e.g., XML; col.25, line 11).*

As to claim 27:

Call teaches the definition of the first schema includes a definition of a tag *(e.g., the metadata capabilities of XML can be used to advantage to provide an extensible system*

for dividing product and company information into a hierarchy of nested named

elements which can be selectively accessed. Using the Document Type Descriptor

(DTD) component of XML, the makeup of the required and optional components of

such information can be defined in a standard way, facilitating the definition and

validation of data structures to be used on various classes of products; col.25, lines

11-19).

As to claim 28:

Call teaches extending the definition of the tag by use of the second schema *(e.g., RDF*

thus offers extensibility through subclass definition ...requires only incremental

modification of a base "product" schema, and each such subclass may then be further

modified to form descendant schema... The shareability and extensibility of RDF also

allows metadata authors to use multiple inheritance to mix definitions allowing more

elaborate schemas to evolve as experience with the simpler system suggests their

utility...providing accurate and up-to-date text descriptions of its products; col.25,

lines 37-65).

As to claim 29:

Call teaches the document instance includes the tag *(e.g., the metadata capabilities of*

XML can be used to advantage to provide an extensible system for dividing product and

company information into a hierarchy of nested named elements which can be selectively

accessed. Using the Document Type Descriptor (DTD) component of XML, the makeup

of the required and optional components of such information can be defined in a

standard way, facilitating the definition and validation of data structures to be used on

various classes of products; col.25, lines 11-19).

As to claim 30:

Refer to the discussion of claim 16 above for rejection.

As to claim 14:

Call teaches a method of extending a definition of a first tag used in a first electronic

document, wherein the electronic document is encoded in a markup language, and the

document is stored on a server in a computer network *(e.g., The metadata capabilities of*

XML can be used to advantage to provide an extensible system for dividing product and

company information into a hierarchy of nested named elements which can be selectively

accessed. Using the Document Type Descriptor (DTD) component of XML, the makeup of

the required and optional components of such information can be defined in a standard

way, facilitating the definition and validation of data structures to be used on various

classes of products ... allowing more elaborate schemas to evolve as experience with the

simpler system; see col.25, lines 11-60), the method comprising:

(i)   defining *(e.g., defining)* the first tag *(e.g., metadata)* in a first schema *(e.g., a base*

         "product" schema), wherein the definition of the first tag includes a plurality of

elements *(e.g., a particular kinds of product (e.g., publications, software, foods, clothing, etc.)* from the markup language *[col.25, lines 11-19 and 37-60]*;

(ii)   defining *(e.g., defining)* a second tag *(e.g., metadata)* in a second schema *(e.g., descendant schema)*, wherein a definition *(e.g., definition)* of the second tag includes the plurality of elements from the markup language and an additional element *(e.g., more particular kinds of product (e.g., magazines, video games, cereals, shirts, etc.))* from the markup language *[col.25, lines 11-19 and 37-60]*; and

(iii)   accessing the first schema and second schema in the first electronic document wherein the first tag and the second tag are used to encoded text within the first electronic document *(e.g., RDF thus offers extensibility through subclass definition. For example, creating subclasses for a particular kinds of product (e.g., publications, software, foods, clothing, etc.) requires only incremental modification of a base "product" schema, and each such subclass may then be further modified to form descendant schema for even more particular kinds of product (e.g., magazines, video games, cereals, shirts, etc.). The shareability and extensibility of RDF also allows metadata authors to use multiple inheritance to mix definitions, providing multiple views of their data, and leveraging the work done by others. From a practical standpoint, the creation of a simple and generic product and company description base schemas which can thereafter be*

extending using RDF allows basic information about products and companies to

be made available early, allowing more elaborate schemas to evolve as

experience with the simpler system suggests their utility...providing accurate and

up-to-date text descriptions of its products, along with whatever images best

describe the product; col.25, lines 37-65).

As to claim 15:

Call teaches parsing the first electronic document, wherein the first electronic

document is parsed by a parser for the markup language, the parser being stored on

the server *(e.g., The ability to select only a portion of an XML product description*

document for reproduction on a web page is provided by the Xpointer protocol...the

XML Pointer Language (Xpointer) document specifies a language that supports

addressing into the internal structures of XML documents. In particular, it provides

for specific reference to elements, character strings, and other parts of XML

documents, whether or not they bear an explicit ID attribute. Using Xpointer, only

selected portions of an XML product description made available from the

manufacturer's server need be presented on a given web page, enabling the creator

of the web page which links in XML data to control the nature and extent of the

information shown; col.24, lines 31-45).

As to claim 16:

Call teaches the second tag is used in a location reserved for the first tag in the

electronic document *(e.g., a tag containing information about "magazines" will be*

inserted into the location reserved in "publications"; col.25, lines 36-60).

As to claim 17:

It includes the same limitations as in claim 26, and is similarly rejected under the

same rationale.

As to claim 18:

Call teaches the first document corresponds to, among other things, a purchase order

(e.g., the purchase order; col.26, line 31 and col. 30, line 19).

As to claim 19:

Call teaches the first electronic document includes the first tag and the second tag

(e.g., the tag containing information about "publications" and the tag containing

information about "magazines; col.25, lines 36-60).

As to claim 20:

Call teaches accessing the second schema in a second electronic document, wherein the

second tag is used to encode the second electronic document *(e.g., RDF provides a*

mechanism for defining metadata ... RDF thus offers extensibility through subclass

definition... The shareability and extensibility of RDF also allows metadata authors to

use multiple inheritance to mix definitions, providing multiple views of their data, and

leveraging the work done by others. From a practical standpoint, the creation of a simple

and generic product and company description base schemas which can thereafter be

extending using RDF allows basic information about products and companies to be made

available early, allowing more elaborate schemas to evolve as experience with the

simpler system suggests their utility; col.25, lines 36-60).

As to claim 21:

Call teaches parsing the first electronic document, wherein the first electronic

document is parsed by a parser for the markup language, the parser being stored on

the server *(e.g., The ability to select only a portion of an XML product description*

document for reproduction on a web page is provided by the Xpointer protocol...the

XML Pointer Language (Xpointer) document specifies a language that supports

addressing into the internal structures of XML documents. In particular, it provides

for specific reference to elements, character strings, and other parts of XML

documents, whether or not they bear an explicit ID attribute. Using Xpointer, only

selected portions of an XML product description made available from the

manufacturer's server need be presented on a given web page, enabling the creator

of the web page which links in XML data to control the nature and extent of the

information shown; col.24, lines 31-45).

As to claim 22:

It includes the same limitations as in claim 26, and is similarly rejected under the

same rationale.

As to claim 23:

Call teaches the second document corresponds to a commercial transaction *(e.g.,*

purchase orders, special promotion pricing, purchase order confirmations) [see col.29,

line 61-col.30, line 33].

As to claim 24:

Call teaches the commercial transaction is selected from, among other things, an purchase

order *(e.g., purchase orders; col.26, lines 32-33).*

Claim Rejections - 35 USC § 103

10.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

(b) This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

11.   Claims 31-35 are rejected under 35 U.S.C. 103(a) as being unpatentable **Call** (US

6,418,441 – filed 07/2000, which is division of application No. 09/316,597, filed on May

21, 1999).

As to claim 31:

Call teaches comprising in a computer network system comprising a plurality of servers,

a method of interpreting an XML document, the XML document residing on a first

server from the plurality of servers *(see the Abstract; col.4, lines 20-34; col.5, lines 45-*

60; and col.25, lines 11-60), the method comprising:

(i)   accessing a first schema *(e.g., a base "product" schema)*, wherein the first

        schema defines one or more elements *(e.g., a particular kinds of product (e.g.,*

        publications, software, foods, clothing, etc.)[col.25, lines 11-19 and 37-60].

(ii)   accessing a second schema *(e.g., descendant schema)*, wherein the second

        schema extends at least one element from the one or more elements used in the

        document instance *[e.g., incremental modification of a base "product" schema,*

        and each such subclass may then be further modified to form descendant schema

        ...The shareability and extensibility of RDF also allows metadata authors to use

        multiple inheritance to mix definitions...allowing more elaborate schemas to

        evolve) [col.25, lines 11-19 and 37-60].

While teaching accessing the first and second schemas call does not specifically

disclose that the first and second schemas are accessed from different servers.

Call, however, teaches *"The system employs a product code translator, which may be*

implemented by a plurality of servers but which is illustrated by the single resource seen

at 101 in FIG. 1. The product code translator is accessed via the Internet to perform a

translation of specified universal product codes into the corresponding Internet

addresses from which information about the designated products can be obtained...

different servers or sets of mirrored or clustered servers may be used to process

different assigned subsets of the gamut of universal product codes" [see col.4, lines 27-

30 and col.5, lines 53-56].

It would have been obvious to a person of ordinary skill in the art at the time the

invention was made to applied the teaching of Call to implemented the feature above

because Call's teaching would have provided the capability for facilitating the

integration of data from retailers and other web page producers with the product

information provided by manufacturers.

As to claim 32:

Call teaches the computer network system is used to conduct a commercial

transaction *(e.g., purchase orders)* between two or more trading partners *(e.g.,*

vendor, customer) [see col.29, line 61-col.30, line 33].

As to claim 33:

Call teaches the XML document corresponds to the commercial transaction *[e.g., By storing product information expressed in Extensible Markup Language (XML)... Other characteristics of XML, including the ability to encourage or enforce conformity with content and formatting standards through the use of Document Type Definitions (DTD's) and the Resource Definition Framework (RDF) and Syntax Specification, facilitate the integration of data from retailers and other web page producers with the product information provided by manufacturers ;see col.3, lines 1-14/ The manufacturers preferably provide product information to their connected server in the form of well-formed Extensible Markup Language (XML) documents which may be validated against a standard Document Type Definition (DTD) to which all such product information documents should conform. The schema to which such documents adhere may be advantageously expressed in the Resource Description Framework (RDF) and Syntax Specification, as noted earlier, to facilitate the evolution of standardized content definitions for product and company information; col.32, lines 6-16].*

As to claim 34:

Call teaches the commercial transaction is, among other things, a purchase order *(e.g., the purchase order; col.26, line 31 and col. 30, line 19).*

As to claim 35:

Call teaches parsing the XML document, wherein the document is parsed by an

XML processor residing on the fourth server from the plurality of servers *(e.g., The*

ability to select only a portion of an XML product description document for

reproduction on a web page is provided by the Xpointer protocol...the XML Pointer

Language (Xpointer) document specifies a language that supports addressing into

the internal structures of XML documents. In particular, it provides for specific

reference to elements, character strings, and other parts of XML documents,

whether or not they bear an explicit ID attribute. Using Xpointer, only selected

portions of an XML product description made available from the manufacturer's

server need be presented on a given web page, enabling the creator of the web page

which links in XML data to control the nature and extent of the information shown;

col.24, lines 31-45).

Response to Arguments

12.   Applicants' arguments filed 11/04/2005 have been fully considered but are moot in view

of the new ground(s) rejection.

Conclusion

13.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

-    Nguyen et al.   U.S. Pat. No. 6,119,130   Issued: Sep. 12, 2000

-    · Call   U.S. Pat. No. 6,154,738   Issued: Nov. 28, 2000

-    Nguyen et al.   U.S. Pat. No. 6,216,137   Issued: Apr. 10, 2001

-    Brown et al.   U.S. Pat. No. 6,501,491   Issued: Dec. 31, 2002

-    Lai   U.S. Pat. No. 6,684,204   Issued: Jan. 27, 2004

-    Don Kiely, *"BizTalk Could Spur XML And E-Business"*, Information Week,

August, 1999, p. 74 (2 pages).

-    PR Newswire, *"Symix Publishes XML Schema for Collaboration-Critical

Midmarket Transactions to BizTalk.org"*, Nov. 1999, p.1.

-    Jay M. Tenenbaum et al., *"eCo System: CommerceNet's Architectural Framework

for Internet Commerce"*, Jan. 1997, pp. 1-42.

-    Sven-Eric Lautemann, "A Propagation Mechanism for Populated Schema

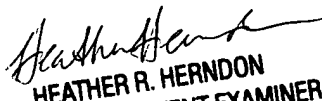Versions", IEEE, 1997, pp. 67-78.

Contact information

14.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Maikhanh Nguyen whose telephone number is (571) 272-

4093. The examiner can normally be reached on Monday - Friday from 9:00am – 5:30

pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Heather Herndon can be reached at (571) 272-4136.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MN

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